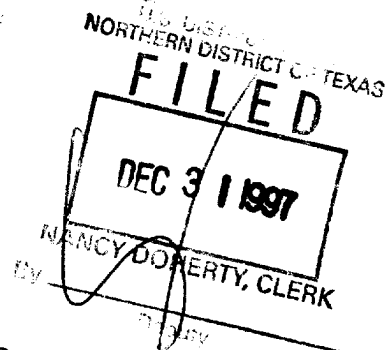


DEC 31 1997

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



OMNITRITION INTERNATIONAL, INC.)
VS.) 3:96-CV-3313-D
OMNILIFE USA, INC., et al.)

ORDER

On this date came to be heard Plaintiff's Emergency Motion to Quash and for Protective Order filed on December 30, 1997, and having considered the relevant pleadings and statements of counsel, the court finds and orders as follows:

At issue are the depositions of non-party witnesses Linda Mottola and Fred Ippolito who have been subpoenaed to appear for their respective depositions in Woodbury, New York on January 7, 1998 and January 6, 1998 at the instance of Defendant.

Counsel for the parties did not confer in advance in an effort to agree on the dates for the depositions of these witnesses. Counsel for Plaintiff did not receive actual notice of the depositions until December 29, 1997. Further, counsel for Plaintiff is unavailable to attend the depositions on the dates noticed. Under such circumstances, Plaintiff's motion will be granted in part, and

IT IS ORDERED that the depositions of Linda Mottola and Fred Ippolito will not proceed on the dates noticed in the subpoenas, but will proceed on dates and times to be agreed upon by counsel for the parties and the witnesses and/or their counsel. Unless otherwise agreed to, the depositions shall be taken on or before February 16, 1998 pursuant to the terms of the subpoenas duces tecum previously served.

Except as granted above, Plaintiff's motion is denied.

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A copy of this order will be served on counsel for parties and on Anthony J. Cincotta,
100 Crossways Blvd., Woodbury, NY 11797 - counsel for the witnesses.

ENTERED this 31st day of December, 1997.


UNITED STATES MAGISTRATE JUDGE